



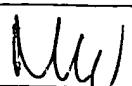
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,352	08/06/2003	Christopher J. Terrels	0156-P02890US01	8899
110	7590	11/19/2004	EXAMINER	
DANN, DORFMAN, HERRELL & SKILLMAN 1601 MARKET STREET SUITE 2400 PHILADELPHIA, PA 19103-2307			NGUYEN, CHI Q	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/635,352	<b>Applicant(s)</b> TERRELS, CHRISTOPHER J.	
	<b>Examiner</b> Chi Q Nguyen	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 13-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Exhibit A</u>                          |

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## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121.

I. Claims 1-9, and 13-15 drawn to a post structure, classified in class 52, subclass 736.1.

II. Claims 10-12, drawn to apparatus of a frame, classified in class 52, subclass 653.1.

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP 806.04, MPEP 808.01). In the instant case the different inventions between groups I and II such as group I claims, which drawn to the structures of the post. And the group II claims, which drawn to the structures of the frame.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purpose as indicated is proper.

A telephone call was made to request an oral election on 11/8/2004, and the applicant elected group II (claims 10-12) with traverse.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher (US 6,332,657).

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Fischer teaches a set of construction frames for furniture comprising a plurality of interlocking identically configured pieces, each piece 4 having a first extension 4' and a second extension 4' extending perpendicular from the first extension, the first extension of each piece having an internal channel C (see attached figure 1), a plurality of teeth 9 capable slidably engage and lock into other frame members such as 1 in a telescoping connection. Fischer does not teach specifically the teeth formed in the channel. Examiner takes Official Notice the fact that teeth formed along the frame member and outside the channel taught by the Fischer would have been an obvious functional equivalent to the teeth formed inside of the channel as taught by the applicant because the teeth provided an engagement between frames.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Hayes (US 5,040,456).

Fischer teaches the structural elements for the frame connection as stated. Fischer does not teach expressly each piece further comprising one or more breakable joints. Hayes teaches screen-printing frame comprising first extension 32, a second extension 34 perpendicular to each other. Each of the extensions further comprises a breakable portion 35 (fig. 2). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Fischer with Hayes for one or more breakable portion formed along extension. The motivation for doing so would have been to conveniently cut down a length without tool needed.

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Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Hayes and further in view of Paul (US 6,516,581).

Fischer and Hayes teach the structural elements for the frame structures as stated. Fischer and Hayes do not teach expressly indicia adjacent to each breakable joint. The indicia being indicative of a finished dimension hen adjacent breakable joint is broken. Paul teaches ceiling grid structure comprising frames, each of the frames having a plurality of indicia marking along the frame (fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Fischer and Hayes with Paul for indicia markings along the frame structure. The motivation for doing so would have been to easily indicate the breakable point.

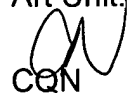
### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cassel, Cole, Bublely et al. , Berdan, and Krause teach frame structures.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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A handwritten signature in black ink, appearing to be 'CQN', written over the printed text 'CQN'.

CQN

11/8/04

A handwritten signature in black ink, appearing to be 'Carl D. Friedman', written above the printed name.

Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600

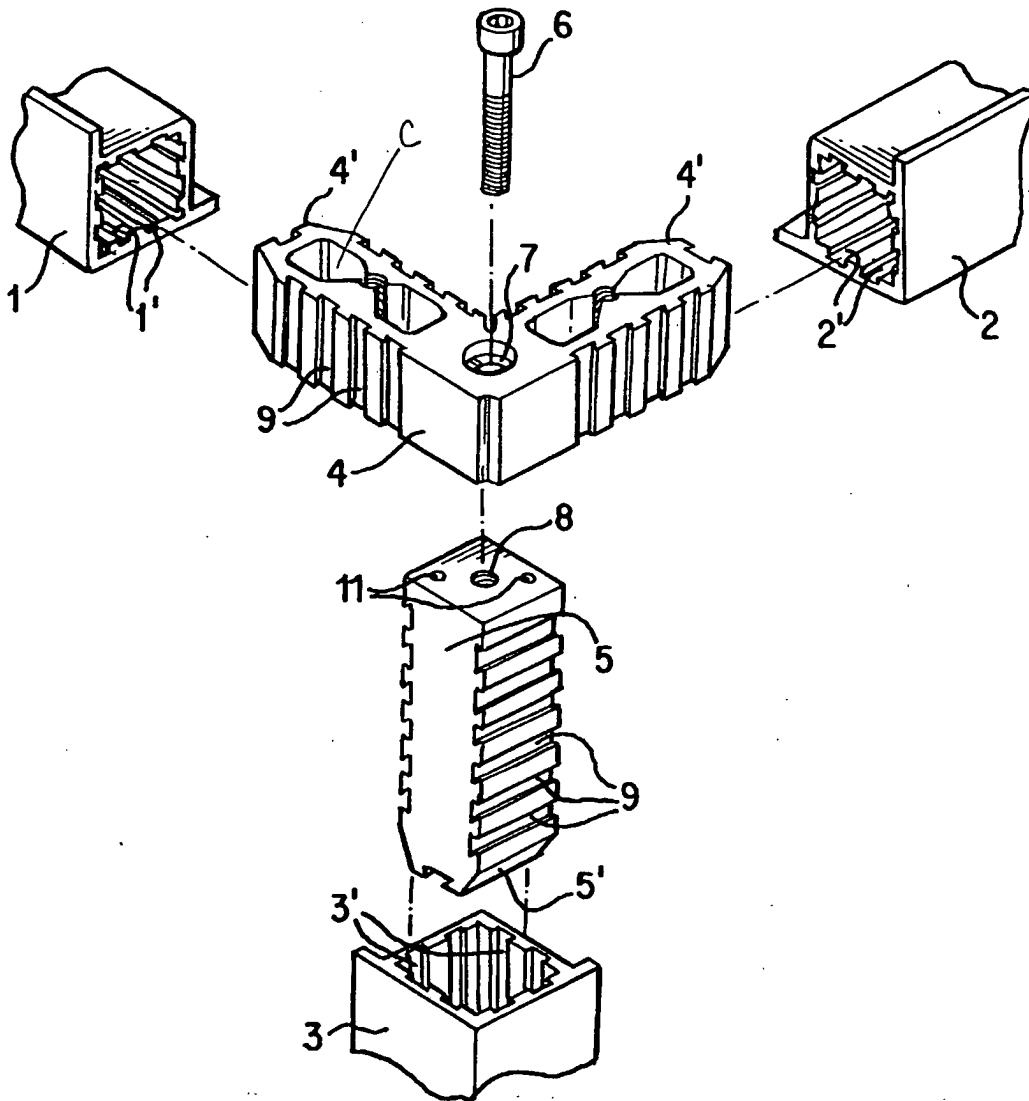


FIG. 1

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